

Ottinger, Elizabeth

From: Ottinger, Elizabeth
Sent: Tuesday, July 02, 2013 4:09 PM
To: Jesse Salter
Cc: MacKnight, Evelyn
Subject: MD CGP quick review

Jesse,
I took a quick look at the permit using our checklist (which combines federal reg requirements and EPA CGP conditions) and I have the following comments for your consideration prior to the permit being published for public notice. A formal letter with detailed comments will be presented at a later date once a more thorough review is conducted-as we had previously agreed to.

1. There is no mention of post-construction in the permit-but rather only in the fact sheet. Per regulation at 40 CFR 122.26 (c)(1)(ii)(D) a description of proposed measures to control pollutants after construction operations has been completed should be provided by the operator with the application. MD State law has requirements for new development performance standard that can be referenced.
2. There is a section regarding consistency with TMDLs on the bottom of page 12; however there is no mention of discharges to impaired 303(d) waters-other than the application requirement at Part II.E.8. Any discharge of sediment to a sediment impaired water could be considered an exceedance of a water quality standard. We need a requirement in the permit to address the impairment, not to merely identify it.
3. The permit and/or fact sheet do not even mention the Chesapeake Bay TMDL. When reviewing all new permits, we are going to ensure that the terms are consistent with the State Watershed Implementation Plan.
4. The permit briefly mentions that a SWMP be prepared on page 6 in Part II.B.4. There really is not much information in the permit other than a reference to MD Code and Law. The permit should define the plan contents-or specifically site where those contents are located. Also, to be consistent with the CGP, Part III.B should require that the SWMP be kept on-site so as to be available for inspectors (See CGP Part 7.3)
5. There are no requirements for staff training, other than the site inspector in Part IV.C.1 (see CGP Part 6 for recommended language)

If you have questions, please let me know. I'll be in the office tomorrow, but out the rest of the week.

Have a good holiday,
Liz

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